## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JAMES	S CODY, et al.,	)		
	Plaintiffs,	)	Case No.	4:17-cv-2707
v.		)		
CITY	OF ST. LOUIS, etc.,	)		
	Defendant.	)		

MOTION FOR EXTENSION OF TIME TO RESPOND TO SANCTIONS MOTION

Plaintiffs have filed a motion for sanctions alleging spoliation and demanding sanctions against defendant City and counsel. ECF 179. Defendant City respectfully moves the Court to grant an extension of time to file its response to this fact-intensive motion, to and including May 25, 2021. In support, defendant states:

- 1. Plaintiff's motion was filed on May 3, 2021.

  Defendant's response is currently due on May 17, 2021.
- 2. Lead counsel for defendant has been engaged in multiple matters requiring his attention, including a pretrial compliance due May 17, a response to another motion to compel of plaintiffs in this cause due May 14, preparing a response to Cody plaintiffs' seventh request for production and responding to Cody plaintiffs' 313 requests for admission; preparation for 7 depositions, including

three expert depositions, over the course of the next two weeks; briefs in the Court of Appeals for the Eighth Circuit due May 24 and June 1; and various other state and federal court proceedings. Co-counsel are either new to this case or have had no significant involvement in the discovery disputes catalogued by plaintiffs. Counsel require additional time in order to prepare an adequate response.

- 3. The issues presented by the motion for sanctions, as noted, are fact-intensive, and some of the alleged misconduct has been known to plaintiffs since January 2020. ECF 180-13 (produced by City in January, 2020). The Court has had recent experience with plaintiffs' tendency to exaggerate in regard to conditions at the Medium Security Institution, see ECF 156-57, 161, and defendant City is working diligently to present a complete and accurate picture of the discovery issues raised by plaintiffs, but defendant's counsel simply require more time.
- 4. Defendant City's response is further complicated by the change in City administration, the resignation of the Corrections Commissioner, and various inquiries concerning riots at the City Justice Center--all of which are time-consuming for Corrections staff on whom

defendant's counsel must rely to obtain any additional needed information.

5. Plaintiffs' counsel have declined to consent to this motion, which is not asserted for purposes of delay or any improper purpose. Resolution of plaintiffs' motion need have no effect on the current date (June 1) for closure of discovery.

WHEREFORE, defendant City requests that it be granted to and including May 25, 2021, to respond to the motion for sanctions.

Respectfully submitted,
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